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INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
RUEHTN/AMCONSUL CAPE TOWN 6524
RUEH DU/AMCONSUL DURBAN 0648
RUEHJO/AMCONSUL JOHANNESBURG 8868
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SUBJECT: COURT SETS ZUMA TRIAL FOR AUGUST

REF: A. DURBAN 000006

[1](#)B. 08 PRETORIA 2605

[1](#)1. (U) The Pietermaritzburg High Court set August 25 as the trial date for African National Congress (ANC) President Jacob Zuma in a decision announced on February 4. The state charged Zuma with corruption, fraud, money laundering, and racketeering in December 2007. The Pietermaritzburg High Court in a September 2008 judgment ruled that the state's charges were invalid, but the Supreme Court of Appeal overruled the decision last month. (See Reftels) The latest High Court ruling means that criminal prosecution is likely to hang over Zuma's head as the ANC prepares for the national election; Zuma vowed he would not step down as the party's candidate for the national presidency.

[1](#)2. (U) Zuma and the French arms company implicated in the state's investigation countered quickly following the judgment. Thint announced it would seek a permanent stay of prosecution in court on June 24 and June 25. In a separate court filing, Zuma's lawyers appealed to the Constitutional Court the Supreme Court's decision to overrule the earlier decision and formally began seeking a permanent stay of prosecution. The Constitutional Court justices are reportedly weighing whether to grant Zuma the opportunity to argue his case before their benches. (Note: Such a move has little precedent because most Supreme Court of Appeal decisions stand unless there is a constitutional point under consideration. End Note.)

[1](#)3. (U) Reaction from Zuma's allies was equally swift. An ANC lawyer confirmed that the party would join Zuma as "a friend of the court" for both the High Court case and the Constitutional Court appeal. The ANC lawyer said Zuma's criminal charges "were not in the interest of the nation." ANC Secretary General Gwede Mantashe told a crowd of 3,000 outside the Pietermaritzburg High Court that Zuma's prosecution was "not about Jacob Zuma, it is about the ANC." He warned that "this is a multi-pronged strategy to attack the ANC ... They are attacking Jacob Zuma because if you hit the head, you will hit the body, too." ANC Youth League President Julius Malema said, "I just want to ask those who are behind this case if they would be proud to prosecute their own president and embarrass their own country."

[1](#)4. (U) The following timeline sets out the dates by when the state, Zuma, and Thint have to file their legal papers and appear in the Pietermaritzburg. The state said Zuma's appeal to the Constitutional Court would not affect the court dates for the case in the Pietermaritzburg court dates.

First, for Thint's call for a permanent stay of prosecution:

March 16: Thint makes its application

May 4: The state delivers answering papers

May 18: Thint delivers replying papers
June 3: Thint delivers heads of argument
June 15: The state delivers heads of argument
June 24 and June 25: Both sides deliver oral arguments

Second, for Zuma's application for a permanent stay of prosecution:

May 18: Zuma's lawyers delivers an application
July 3: The state delivers answering papers
July 24: Zuma's lawyers deliver replying papers
August 11: Zuma's lawyers deliver heads of argument
August 19: The state delivers heads of argument
August 25: Both sides deliver oral arguments

15. (SBU) Post will be meeting with legal experts in the next week to garner more insight into the court cases and how the process will impact the ANC's election prospects.
Qprocess will impact the ANC's election prospects.
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